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In re Application of
ASGHAR, Aziz *et al*
Application No.: 09/381,055
PCT No.: PCT/SE99/00702
Int. Filing Date: 28 April 1999
Priority Date: 28 April 1998
Attorney's Docket No.: 1103326-0590
For: NOVEL USE

DECISION ON SECOND
RENEWED PETITION
UNDER 37 CFR 1.181

This decision is in response to the "Second Renewed Petition Under 37 CFR §1.181(a) to Withdraw Holding of Abandonment" ("2d.Ren.Pet.") filed on 30 July 2001.

BACKGROUND

On 30 May 2001, a decision dismissing applicants' renewed petition to withdraw the holding of abandonment was mailed.

On 09 April 2001, applicants submitted the instant second renewed petition.

DISCUSSION

In the second renewed petition, applicants claim that the prior decision was "in error in view of 37 C.F.R. §§ 1.10 and 1.25." 2d.Ren.Pet. ¶ 2.

A check with the Deposit Account Office of the USPTO supports applicants' claim. After reviewing the financial transactions of Deposit Account No. 23-1703 at the request of PCT Legal, Ms. Giselle Jones, Director of the Receipts Accounting Division, Office of Finance in the USPTO declares that the Deposit Account Branch should have posted the two replenishments in Deposit Account No. 23-1703 filed via Express Mail on 16 September 1999, instead of the date they were posted, 20 September 1999.

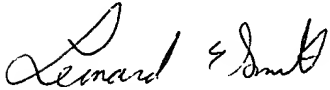
Therefore, Deposit Account No. 23-1703 should have had sufficient funds to cover the basic national fee when that fee was charged on 17 September 1999 in the above-captioned application. Accordingly, the above-captioned application should not have been abandoned.

CONCLUSION

For the reasons above, applicants' second renewed petition to withdraw the holding of abandonment is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 28 April 1999, under 35 U.S.C. 363, a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 13 September 1999, and a 35 U.S.C. 371 date of 30 October 2000.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing



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